1918/ep

App. F. IX-4 1950-51 File No. 413-50.

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Previous References. GJE 87-43-2 C.B. Serial Nos. /

Later References.
Chs. sep. 489/51-52

GENERAL AND REVENUE SECRETARIAT

Serial Nos. One.

Part B for November 1950.

SUBJECT

Representation of Sri Rego, Secretary to Govt Dev. Dept for the Grant of an allowance for the period he was Chief Auditor, N.S. Ry.

Proposal is not acceptable

The following personal representation is submitted for favourable consideration.

(1) I worked as Chief Auditor, Mysore State Railway, from the 20th July 1948 to the 19th February 1950. At the time of my transfer to this post I was an acting Deputy Commissioner on other duty as Assistant Private Secretary to His Highness the Maharaja and was drawing an allowance of Rs.200. Unfortunately, while I lost this allowance on my transfer, no allowance was sanctioned to me in respect of my new post which, as Government are aware, was also outside the cadre of Deputy Commissioners.

(2) I furnish below a few recent instances of Deputy Commissioners to whom allowances have been sanctioned while holding posts outside the cadre:

	Rs.
1. Sirdar H. Niranjanraj Urs, Huzur Secretary to His Highness the Maharaja	200
2. Sri S. Darashah, Private Secretary to His Highness the Maharaja	200
3. Sri H. N. Pallegar, Huzur Secretary to His Highness the Maharaja	200
4. Sri K. Narayanaswami, Additional Director of Industries and Commerce	200
5. Sri S. Muninanjappa, Director, Mysore Iron and Steel Works	200

(3) The above list is merely illustrative; the Confidential Branch will doubtless be able to furnish several other instances where such allowances have been sanctioned. In fact, the grant of duty allowance to officers holding posts outside their regular cadre has grown into a convention.

(4) In this connection, I am sure it will be appreciated that the position of a Civilian Officer posted to a highly technical accounting department like the Railway Audit Department is much more difficult than that of a regular Accounts Officer similarly placed, because the former has not only to study the intricacies of the work which is entirely new to him but has also to take the day-to-day working of the department in his stride and to conduct it to the satisfaction of Government on the one side and of the Railway Board on the other. It will be appreciated too that his position is at least as difficult as that of other Civilians appointed to executive and other posts in the general administration, and that he has at least as good a case for a duty allowance as they have.

(5) Further, I may bring to kind notice that, while the loss in emoluments I suffered on my transfer from my previous post cannot by itself be adduced as a plea for an allowance in respect of my new post, it has always been usual for Government to consider this aspect of the matter when transferring an officer away from a post carrying an allowance, - unless, of course, when such transfer is in the nature of a punishment. The present Government have been particularly generous in this regard and I have often seen it indicated both by the Hon'ble Chief Minister and the Hon'ble Finance Minister in their minutes on files relating to allowances that an officer should not be made to lose in allowances on his transfer.

His
Not 10, tho' such an argt. has been advcd many a time.

(6) It might perhaps be contended that I should have applied for this allowance while I held the post of Chief Auditor instead of asking for it after handing over charge of it. Since the Hon'ble Finance Minister is personally aware of the circumstances attendant on my tenure of this post, my hesitation and the consequent delay will, I am sure, be very kindly condoned.

(7) In submitting this representation, I venture to hope that the benefits extended to my brother officers similarly placed will, in fairness, also be extended to me.

Min. Fin. & mt
Hon'ble Ch. Secy

B. Rego
14/7

8) CB

for orders.

15/7/50

15/7/50

CHIEF SECRETARY 3465 1950 15 JUL GOVT. OF MYSORE

C.B. files. 224-47 (SR) relating to the transfer of Dy. Commrs placed below

KJ

9) Sri Rego has represented that he may be granted a duty allowance of Rs. 200/- p.m. for the period he was on duty as Chief Auditor, M. S. Ry, on the ground that he was getting an allowance of Rs 200/ p.m. as Asst. private Secy to H. H. before he was transferred as Chief Auditor, M. S. Ry,

As under Art. 15 of the M. S. R. the duty allowance is given to an officer in addition to pay or salary, in consideration of the specially arduous nature of

or of increased work or responsibility or for the discharge of the duties which do not properly belong to his office and for which there is no sanctioned appointment.

11) It is evident that the duty allowance is attached to the post and not to the officer and the officer who was getting such an allowance cannot claim the same when transferred to the same post to which no duty allowance is attached.

12) The post of the Chief Auditor, M. S. Rly carried the grade pay of Rs 800-50-1000/ and no duty allowance was attached to that post.

13) Sri M. Shamanna, the present Fin Secy was the Auditor, M. S. Rly, from 1938 to 1943 the Grade of which was Rs 500-50/2-750 and was getting his own pay of Rs 1000/- (personal) and was not drawing any duty allowance as Auditor, M. S. Rly.

14) Sri N. Madhava Rao was posted as Chief Auditor, M. S. Rly in the year 1947 and he was getting his own pay of Rs 1000/- (personal) and was not getting any duty allowance during that period.

15) From the above, it is clear that the Civil officers posted as Auditor or Chief Auditor, M. S. Rly, were not given any duty allowance as long as they were in that charge.

16) It is submitted that no instances are forthcoming with reference to the facts stated in para 5 supra. The officer ought to have claimed in the light of the conditions laid down in Art-15 of the M. S. R. when he was Chief Auditor, M. S. Rly.

17) There are no instances where an officer has been permitted to draw the same duty allowance which he was drawing in his previous post when transferred to another post to which no duty allowance is attached. When the present Chief Secy was holding the post of the Comptr of D. T. a duty allowance of Rs 200/ p.m. was sanctioned and on transfer as Chief Secy to Govt, the same duty allowance was not claimed and is not being drawn.

18) under the circumstances, the request of Sri Raja to grant him a duty allowance of

Representation of Sir Rego, Secy to Govt, Debt Deptt, for the grant of allowance

1918 C.B.

of Rs 200/- for the period he was the Chief Auditor, Mid. Ry is for consideration and orders.

2) The requires financial concurrence and would be a Council matter.

3) Submitted with reference to para 8 supra.

Kly
19/7/20

2) As the Retrenchment Committee recognised as far back as 1931 and as is being increasingly recognised since, allowances are not always reducible to clear-cut or intelligible principles and sometimes present inexplicable diversities, and on this question there neither is nor can be any underlying rule or practice. Pending the examination of the general question of allowances,

Representation of Sri Rego, Secy to Govt, Devlt Deptt, for the grant of allowance 1918 C.F.

individual cases may have to be considered on their merits.

22) In this case, the claim to a Duty allce is based on the ground that the post of Chief Auditor, Mysore State Railway is not included in the regular cadre of D.Cs and Officers holding similar posts outside the regular cadre are granted allowances. The cases cited at para 2 do support this view. At the same time there are other cases where no allce has been granted i.e. of Sir T. Rangachary while he was Regr. of Co-operative Societies &

Representation of Sri R.F. Rego, development Secretary, for grant of allowance to him.

1918 C.B.

23) In the circumstances, no hard and fast rule or exact precedent would seem to apply to the case, and the question of the grant of an allce or otherwise in the light of the representation of the Officer may have to be decided at the discretion of Govt.

Coll.

24) Please put up the relating to the revision of the pay qua post of Chief Auditor, Repare State Rly to. Rs 800-50-1000. Early.

19.7.50.

KSnR 25/8/50.

Submitted.

25) The Collection no. G.F. 157-45-2 relating to the subject referred to above is not readily traceable in spite of best efforts.

26/9/50.

26) At least put up a copy qua Govt order revising the scale of pay of the appointment.

26.9.50.

KSnR 26/9/50

Submitted

27) A copy of the G.O. no. Fl. 5842-3/G.F. 157-45-2 dated 31.1.46 relating to the subject referred to above is placed below.

30/9/50.

28) The File no. G.F. 87-48 (U.2) relating to the fixing of the pay of Ch. Auditor on the 800/- P.B. is placed below

30.9.50.

Serial No.

2.) The post of Auditor, Mysore State Railways, carried the grade pay of Rs 500-50/2-750 and was included in the Cadre of Dy. Comptrollers. In the years 1937 and 1938, the Comptroller to Govt. recommended that the pay of the post of Auditor may be fixed at Rs 800-50-1000, from the date of resumption of the Harihar and Hindupur Railways lines by this Govt., as it was considered desirable to enhance the position of this officer consistent with the increased status of the Railways and to place it on a par, in respect of pay and prospects with the officers of other sections of the Railway Dept. On both these occasions this appointment was held by Sri H. Venaraja Urs and Sri H. Shamanna, who were officers belonging to the Cadre of Dy. Comrs. This proposal was ordered to lie over, as the then Auditors were in the Cadre of Dy. Comrs.

3.) Sri H. Shamanna was succeeded by Sri H. V. Srikantaiya, a permanent officer of the Account Dept as Auditor. On the resumption of this office by Sri. Srikantaiya the Comptroller again recommended the revision of the pay of this post to Rs 800-50-1000 and the Govt were pleased

NOTE—Contn. Sheet.

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to order that the pay of the Auditor be fixed at Rs 800/- and that the designation of that post be changed to "Chief Auditor" (Vide G.O. No. Fe. 2668-71/G.F. 87-43-2 dated 30-12-1943). The pay of this post was further revised to Rs 800-50-1000 in G.O. No. Fe. 5842-3/G.F. 157-45-2 dated 31-1-46, the reason being the improvement of the status of this officer so as to be on a par with that of the officers of other branches and the Rly Department. F

3) Sri R. J. Rego, Dy. Comr., held the post of Chief Auditor, Mysore State Rys from 20-7-48 to 19-2-50. No allowance was granted to Sri M. Vijaraj Urs, Sri M. Shamanna and Sri N. Hanumaiah Rao, when they held the post of Chief Auditor, Mysore State Railways.

4) The reasons now put forward by Sri Rego in support of his request for grant of a duty allowance for the period that he held Chief Auditor, Mysore State Rys, are that,

(1) He, Dy. Comr, holding 13 posts outside the cadre, [illegible] granted duty allowance;

(2) That the post of Chief Auditor being highly technical one, [illegible]

(3) That it has always been usual

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for Govt to consider the loss in emoluments when transferring an officer away from a post carrying an allowance, unless, of course, when such transfer is in the nature of a punishment.

Re: (1)

33) It is true that Dy. Comrs who have been posted to charges which are outside the Cadre of Dy. Comrs, have been allowed to draw an allowance in addition to their pay as Dy. Comrs. Instances are also wanting, in which no allowance has been granted to a Dy Comr even though he is in charge of a post which is outside the Cadre of Dy. Comrs. No allowance was sanctioned to Sri T. Rangaswamy when he was doing duty as Registrar of the Cooperative Societies. Janab M. Abdul Azeem who is doing duty as Dy. Comr. of Sales Tax is not in receipt of any allowance. There is also one instance of Sri B. N. Krishnan doing duty as Secy, Govt D. D. Deptt, who is also not in receipt of any allowance. Barring these the other Dy. Comrs who are on other duty are all getting an allowance. In case any concession is shown to Sri R. Rego, not only the three officers referred to above may have to be treated similarly

NOTE—Contn. Sheet.

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but also Sris H. Venkaj Uro, M. Shamanna and N. Madhava Rao may also prefer a claim for the grant of an allowance for the period they performed duties as Auditor or Chief Auditor. It is therefore difficult to Comply with the request of Sri Rajo on this ground.

Re: (2)

34) The difficulties that were experienced by Sri Rajo might have been felt by his predecessors, especially in the cases of Sri M. Shamanna of Sri N. Madhava Rao who were posted as Auditor, after they had lost touch of with the Accounts Deptt for a good number of years. What holds good in the case of Sri Rajo holds good in the case of the two officers referred to above.

Re: (3)

35) This reason is not always true. An officer cannot carry the allowance where ever the goes, especially when it is granted for performing certain duties, and he ceases to draw it when the duties cease. The loss in emoluments as a result of transfer cannot be accepted as a ground for its continuance on transfer.

36) Read in the above circumstances it appears very difficult to Comply with the

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present request of Sri Rego.

37) In case it is considered necessary to show any concession to Sri Rego, the following suggestion is for consideration.

38) Sri Rego held the post of Chief Auditor which carried the grade pay of Rs 800-50-1000 and during the period he held it no other officer appears to have had a lien on this post. He may perhaps be treated as having held this post on a temporary basis and allowed to draw increments in that grade on the specific understanding that he will be entitled to this salary only for the period he held the post, that on his reversion to the general line he would only get the pay he would have drawn if he had continued in the general line and that he would not ask for higher pay in the general line on this score.

39) Since the pay of the appointment of Chief Auditor was revised to Rs 800-50-1000 only in January 1946 Sris M. Vijaraj Urs and M. Shamanna may also not claim any increment. Since Sri N. Madhava Rao was already drawing a pay of Rs 1000/- as Dy. Comr, which is the maximum pay of the grade, no increments are admissible in this case.

Representation of Sri R. J. Rego. Secy to Govt., Devt. Deptt for grant of Duty allowance

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1916 C.B

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40) The only parallel case so far as Dy. Comrs are concerned is that of Sri A.M. Krishnan. He is now doing duty as Secy, Govt D. D. Deptt which carries the grade pay of Rs 800-50-1200 vice Sri K. Thimaiah Chetty on leave. He too may have to be allowed to draw increments in the grade just as in the case of Sri R. J. Rego, subject to the same conditions as are imposed in the case of Sri Rego.

41) Sanction is necessary.

Chief Secy) 15/10/50

CHIEF SECRETARY. 6601 16 OCT 1950 GOVT. OF MYSORE.

42) Receipt please 16/10 sent 17-10-50

43) This is a difficult case to decide on. Basically the ruling case — cited by Sri Rego — would seem to support the proposition that when a Govt. officer is posted to a post outside the cadre, he should be given a deputation allce. There are a number of other cases too which would not support such a proposition. (Vide note above). In a recent case, where Sri E.V. Ganapathi Iyer claimed such an allowance for having worked in an outside post, — of Dir. of I.C., Govt. decided that no allowance need be granted.

44) Taking this particular appointment, however, the precedents are against the

Representation of Sri R. F. Rego, Dept Secy for grant of allowance.

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grant of an allowance — Eg. the case of Sri N. Radhiva Rao, of H. Channamma, who also held this post. On this view, no allowance can be granted.

45) Where an officer holds a post to which an allowance is attached, on transfer, he has no claim to the continuance of the allowance in his new post also; it is elementary that the allowance is attached to the post and not to the person. As an instance, the transfer of Sri. G.N. Nagaraja Rao from the post of P.S. to H.H. to D.C. Mysore, can be cited. This is of course argued often, — and to my mind thoroughly Erroneously —, That an officer relinquishing a post with an allce, on transfer to another without an allce, "has to suffer for no fault of his". Sometimes it is also argued, Equally wrongly, That because one held a post with an allowance, he should be posted to another that also carried an allowance! There are attempts to render the allowance more or less personal to an officer,

NOTE—Contn. Sheet.

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Representation of Sri R. S. Rego, Dept Secy for grant of allowance.

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and have of course to be encouraged at all times. Transfers are always in the exigencies of service.

16/ 28.10.50.
Chief Minr.
Hon Fin Secy
w/s. 30/10/50

1932
30 OCT 19
GOVT. OF MYS

FINANCIAL SEC
7707
31 OCT 1950
GOVT. OF MYSORE

CHIEF SECRETARY
7129
3 NOV 1950
GOVT. OF MYSORE

4b. The request, whether in respect of this ex-chief auditor or of his predecessors (among whom I also am one) or of the other D.C.S working outside the cadre is financially unacceptable.

1.11.50.

Office of the Chief Minister
No 5960
Date of Recap 4/11

47) Kdl - 1/11/50.

30/11/50

16/ 14/11/50.
Sumr
14.11.50.

CHIEF SECRETARY
14 NOV 1950
GOVT. OF MYSORE.

Submitted.

48) This file may perhaps be recorded after informing the officer over phone.

Hm 49) The officer has been informed 24/11/50. and the file may be closed.

Sumr
27.11.50.

24.11.50.

B